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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/149,721 09/08/98 MUMPER

R 237/023

EXAMINER

HM12/0425

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633 WEST FIFTH STREET
LOS ANGELES CA 90071-2066

OWENS JR, H

ART UNIT

PAPER NUMBER

1623

DATE MAILED:

04/25/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/149,721

Applicant(s)

Mumper et al.

Examiner

Howard Owens

Group Art Unit

1623



☒ Responsive to communication(s) filed on Jan 27, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1 and 7-9 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1 and 7-9 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 10

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Response to Arguments

5 The following is in response to the amendment filed 1-27-00:

An action on the merits of claims 1 and 7-9 is contained herein below.

10 The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2-6 have been canceled by applicant.

15

35 U.S.C. 112

20 Claims 1 and 7-9 are rejected under 35 U.S.C. 112(2).

Claims 1, 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

25 In newly amended claim 1, applicant sets forth a definition for variables R_6 - R_{10} in the description of formula I. However, in formula I, there exists no variables identified as R_6 - R_{10} . Accordingly, dependent claims 7-9 are rejected as they fail to obviate the rejections set forth in the parent claim.

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35 U.S.C. 102

Applicant's arguments filed 1-27-00 in response to the rejection of claim 1 under 35 U.S.C. 102(b), have been fully considered but they are not persuasive. The rejection of claims 1 under 35 U.S.C. 102(b) is maintained for the reasons set forth below:

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selected from hydrogen, alkyl, -O-alkyl; R1' and R1 are independently selected from the group consisting of hydrogen, OH, alkyl; R2 and R2' are independently selected from the group consisting of -NH2 and hydrogen; R3, R3', R4, R4', R5 and R5' are
5 independently selected from the group consisting of hydrogen, OH, -NH2.

Allowable Subject Matter

10 Claims 7-9 appear to contain allowable subject matter over the prior art of record.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

15 A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened
20 statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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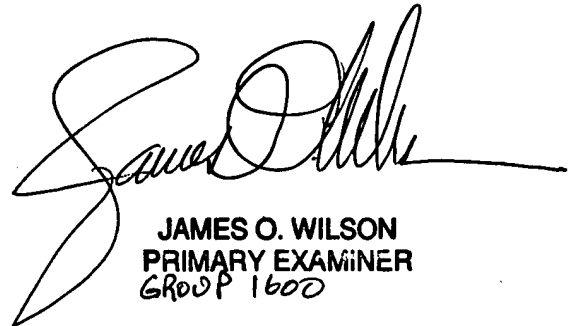
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Howard Owens whose telephone number is (703) 306-4538 . The examiner can normally be reached on Mon.-Fri. from 8:30 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the Primary Examiner signing this action, James O. Wilson can be reached on (703) 308-4624 . The fax phone number for this Group is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1235.

Howard Owens

Group 1623



JAMES O. WILSON
PRIMARY EXAMINER
GROUP 1600